

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

ROBERT T. BROCKMAN

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§

Criminal No. 4:21-cr-00009

**JOINT MOTION TO MODIFY
COMPETENCY HEARING SCHEDULING ORDER**

The Court found that there is reasonable cause to believe that defendant Robert T. Brockman may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and scheduled a competency hearing pursuant to 18 U.S.C. § 4241(b). (Dkt. No. 36.)

On April 28, 2021, the Court set dates of September 13, 2021 for the competency hearing to commence; October 15, 2021 for the Government’s post-hearing brief (if any); November 5, 2021 for the Defendant’s opposition brief (if any); and November 12, 2021 for the Government’s reply brief (if any) (“April 28 Order”). (Dkt. No. 53.) The April 28 Order also provided that, “[p]ursuant to Title 18, United States Code, section 3161(h)(1)(A), the period of delay resulting from the competency examination and proceeding, including from the execution of this Order, until at least November 5, 2021, shall be excluded from computing the time within which time must commence in this dispute.” (Dkt. No. 53.)

On September 13, 2021, the Court held a status conference to discuss the timing and expected duration of the competency hearing. The competency hearing was continued until November 15, 2021. (Dkt. No. 136.)

The parties request an adjustment to the remainder of the deadlines in the April 28 Order. Because the competency hearing date has been rescheduled, this Court should extend the briefing deadlines in the April 28 Order, and enter a concomitant exclusion under section 3161(h)(1)(A), as set out in the Proposed Order submitted with this motion.

Dated: September 17, 2021

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Attorneys for Defendant
Robert T. Brockman

CERTIFICATE OF CONFERENCE

I certify that on this 17th day of September, 2021, I conferred with counsel for the United States, Mr. Corey Smith, who confirmed that the United States joins this Motion.

/s/ Jason S. Varnado

Jason S. Varnado

CERTIFICATE OF SERVICE

I certify that on this 17th day of September, 2021, I electronically served this document on all counsel of record.

/s/ Jason S. Varnado

Jason S. Varnado